

EXHIBIT A

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

FAROUK SYSTEMS INC.,

Plaintiff,

vs.

AG GLOBAL PRODUCTS, LLC d/b/a/
FHI HEAT, LLC and SHAUKY
GULAMANI,

Defendants.

CIVIL ACTION NO. 4:15-cv-00465

DECLARATION OF JASON DODO
IN SUPPORT OF DEFENDANTS' MOTION FOR SUMMARY JUDGMENT

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I, Jason Dodo, declare as follows:

1. I am an individual over 18 years of age. I am the Chief Financial Officer of Defendant AG Global Products, LLC (“AG Global”), one of the named defendants in this action. I have personal knowledge of the facts set forth in this declaration and, if called to testify concerning them, could do so competently. I make this Declaration in support of the Defendants’ Motion for Summary Judgment.

2. AG Global manufactures and sells hair care products and tools. AG Global operates under the trade name FHI Heat.

3. In late 2014 AG Global debuted a new product, the Stylus. The Stylus is a electric thermal heating brush unlike any other product on the market. An image of the Stylus is shown below:



4. In or about April 2010, AG Global purchased asserts from Key Bank National Association. Key Bank had previously served as the secured lender for FHI Heat, Inc. (an entity unrelated to AG Global). As a result of that relationship, Key Bank held a security interest in all of FHI Heat’s assets.

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5. At some point prior to April 2010, and seemingly in response to financial difficulties, FHI Heat, Inc. surrendered all assets encumbered by the Key Bank security interest to Key Bank. Thereafter, AG Global purchased some of those assets previously belonging to FHI Heat, Inc. (and then held by Key Bank), including the FHI Heat name and the goodwill associated therewith. AG Global's purchase of assets from Key Bank expressly excluded any liabilities.

6. Prior to the foregoing transaction, and since as early as 2005, FHI Heat operated as a manufacturer and seller of hair tools and had widely used a red and black color combination on most, if not all, of its products. Following the Key Bank transaction, and in order to maintain a consistent look with the FHI Heat brand, AG Global maintained that color scheme.

7. I am aware that in 2007 Plaintiff filed a trademark infringement action against FHI Heat, Inc. I have reviewed the Complaint filed in that action, specifically Exhibits C and D attached thereto. In that Exhibit Plaintiff attaches images of products of FHI Heat, Inc. that were alleged in that action to infringe on Plaintiff's trademark rights. Among the products pictured are products from FHI Heat, Inc.'s Technique and Platform lines. Based on my familiarity with FHI Heat, Inc.'s products, I can determine that the each of product lines identified in these Exhibits were red and black in color at the time they were being sold by FHI Heat, Inc. Because the exhibits to the Complaint are in black and white, I include the following images which represent a color version of products identified in Exhibits C and D as indicated:

FHI Heat, Inc. Technique Series:



FHI Heat, Inc. Platform Series:



8. The foregoing images are accurate representations of the appearance of the identified products in or about 2007, when the Plaintiff filed the earlier lawsuit against FHI Heat, Inc.

9. In connection with this matter I have attempted to learn whether AG Global is aware of any instances of consumer confusion as between Plaintiff (and its products) and AG Global (and its products). I am unaware of any such instances of confusion. As a result of my role at AG Global, if there had been any instances of confusion, I would have been made aware of those instances.

10. I am not aware of any misdirected calls, e-mails or other inquiries received by AG Global but which were intended for Plaintiff. Similarly, I am unaware of any consumer having returned one of Plaintiff's products to AG Global believing it to be a AG Global product. Likewise, I am unaware any instance where a consumer returned a AG Global product to Plaintiff believing it to be its product.

I declare under penalty of perjury under the laws of the United States that the foregoing is true. The declaration was executed on February 16, 2016 in Valencia, California.

By:  JASON DODO